

EPW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Eduard K. de Jong

Assignee: Sun Microsystems, Inc.

Title: ACCESSING IN A RIGHTS LOCKER SYSTEM FOR DIGITAL
CONTENT ACCESS CONTROL

Serial No.: 10/687,217 Filing Date: October 15, 2003

Examiner: David Garcia Group Art
Cervetti Unit: 2136

Docket No.: SUN040202

Monterey, CA
April 17, 2008

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESUBMISSION OF INFORMATION DISCLOSURE STATEMENT

Sir:

Applicant filed an Information Disclosure Statement for the above-identified application on April 9, 2004. In a telephone call with the Examiner on April 16, 2008, applicant was told that there is no record of this IDS being received by the USPTO. Applicant was advised to re-submit a copy of the IDS for consideration.

Enclosed are the following:

- 1) a copy of the original return receipt postcard with USPTO mailroom stamp showing that the Information Disclosure Statement was received by the USPTO on April 13, 2004, as contained in the file of applicant's attorney (1 page);
- 2) a copy of the Transmittal Form as filed on April 9, 2004, as contained in the file of applicant's attorney (1 page);



- 3) a copy of the Information Disclosure Statement as filed on April 9, 2004, as contained in the file of applicant's attorney (4 pages);
- 4) a copy of the Form PTO 1449 as filed on April 9, 2004, as contained in the file of applicant's attorney (1 page); and
- 5) a copy of each of the non-US Patent references submitted with the IDS on April 9, 2004, as contained in the file of applicant's attorney (3 total).

Applicant respectfully requests entry of the Information Disclosure Statement, as well as consideration of the references cited therein.

No fee should be owed because the failure to consider the IDS was due to an error of the USPTO. However, if the Office should disagree, the Commissioner is hereby authorized to charge any fees required for consideration and entry of the enclosed documents, and to credit any overpayment of fees to Deposit Account No. 50-0553.

If there are any questions relating to the above, please telephone the undersigned Attorney for Applicant.

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on April 17, 2008

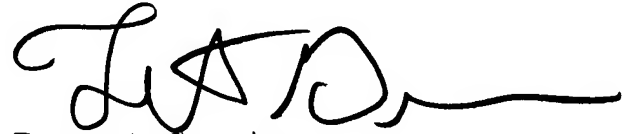


Attorney for Applicant(s)

April 17, 2008

Date of Signature

Respectfully submitted,



Forrest Gunnison
Attorney for Applicant(s)
Reg. No. 32,899
(831) 655-0880



Serial/Patent No.: 10/687,217

Filing/Issue Date: 10/15/03

Applicant: Eduard K. de Jong

Title: Accessing In A Rights Locker System For Digital Content Access Control

TRP Docket No.: SUN-040292

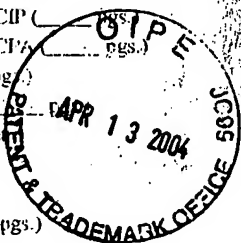
Atty/Secty Initials: DBR/JPS/cd

Date Mailed: *cf 9/04*

Docket Due Date: 4/9/04

The following has been received in the U.S. Patent & Trademark Office on the date stamped hereon:

- | | |
|---|---|
| <input type="checkbox"/> Amendment/Response (____ pgs.) | <input checked="" type="checkbox"/> IDS & PTO 1449 (5 pgs.) |
| <input type="checkbox"/> Appeal Brief (____ pgs.) (in triplicate) | <input checked="" type="checkbox"/> 3 Pieces of Prior Art Enclosed |
| <input type="checkbox"/> Application - Utility (____ pgs. with cover & abstract) | <input type="checkbox"/> Issue Fee Transmittal |
| <input type="checkbox"/> Application - Rule 1.53(b) Continuation (____ pgs.) | <input type="checkbox"/> Submission of Formal Drawings:
____ # of sheets includes ____ figures |
| <input type="checkbox"/> Application - Rule 1.53(b) Divisional (____ pgs.) | <input type="checkbox"/> Notice of Appeal |
| <input type="checkbox"/> Application - Rule 1.53(b) CIP (____ pgs.) | <input checked="" type="checkbox"/> Postcard |
| <input type="checkbox"/> Application - Rule 1.53(d) CIP (____ pgs.) | <input type="checkbox"/> Preliminary Amendment (____ pgs.) |
| <input type="checkbox"/> Application - PCT (____ pgs.) | <input type="checkbox"/> Reply Brief (____ pgs.) |
| <input type="checkbox"/> Application - Provisional (____ pgs.) | <input type="checkbox"/> Req and Cert. Not to Publish - Rule 1.213 |
| <input type="checkbox"/> Assignment and Cover Sheet | <input type="checkbox"/> Request for Continued Examination (RCE) (____ pgs.) |
| <input type="checkbox"/> Certificate of Correction | <input type="checkbox"/> Request for Extension of Time ____ Month(s) |
| <input checked="" type="checkbox"/> Certificate of Mailing | <input type="checkbox"/> Response to Notice to File Missing Parts |
| <input type="checkbox"/> Declaration & POA (____ pgs.) | <input type="checkbox"/> Copy of PTO Notice to File Missing Parts |
| <input type="checkbox"/> Fee Transmittal | <input checked="" type="checkbox"/> Transmittal Letter |
| <input type="checkbox"/> Drawings (informal):
____ # of sheets includes ____ figures | <input type="checkbox"/> Express Mail No.: ____ |
| <input type="checkbox"/> Other. | <input type="checkbox"/> Check(s) \$ ____ |
| | <input type="checkbox"/> Deposit Acct. No. 50-1698 \$ ____ |
| | Patent Code: ____ |
| | Client/Matter # 811173 - 436 |





PTO/SB/21 (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Application Number	10/687,217	
	Filing Date	October 15, 2003
	First Named Inventor	Eduard K. de Jong
	Art Unit	Unassigned
	Examiner Name	Unassigned
Total Number of Pages in This Submission	Attorney Docket Number	SUN-040202

ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): 1449 citing 4 pieces of art
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	John P. Schaub, Reg. No. 42,125
Signature	
Date	4/9/04

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name	Carol Diez
Signature	
Date	4-9-04

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

COPY



Docket No. SUN-040202
(811173-000436)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Eduard K. de Jong
SERIAL NO.: 10/687,217
FILING DATE: October 15, 2003
TITLE: Accessing In A Rights Locker System For Digital Content Access
Control
EXAMINER: Unassigned
ART UNIT: Unassigned

CERTIFICATE OF MAILING

I hereby certify that this paper is being deposited with the United States Postal Service as First Class
Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450,
on the date printed below:

Date:

4-9-04

Name:

Carol Diez

COMMISSIONER FOR PATENTS
P.O. Box 1450
ALEXANDRIA, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Each item of information listed in the attached FORM PTO-1449, for which a copy of each is attached (unless the blanket waiver referred to below applies), may be material to the examination of the above-identified application and is, therefore, submitted in compliance with the duty of disclosure defined in 37 CFR §§ 1.56, 1.97 and 1.98. The Examiner is requested to review, consider and document each such item in the official record of this application.

COPY

Note: If this box ☒ is checked, this case was filed after June 30, 2003 and qualifies for the blanket waiver of deposit of copies of U.S. Patents and U.S. Patent Application Publications in accordance with the written waiver of 37 CFR §1.98 (a)(2)(i) dated July 11, 2003. Accordingly, such copies are not attached.

This Information Disclosure Statement under 37 CFR §§ 1.56, 1.97 and 1.98 is not to be construed as a representation that a search has been made, that additional information material to the examination of this application does not exist, or that any one or more of these items constitutes prior art.

I

This statement is filed pursuant to (CHECK ONE BOX):



37 C.F.R. § 1.97(b).

This information disclosure statement is filed either:

- (1) within three months of the filing date of a national application other than a continued prosecution application under §1.53(d);
- (2) within three months of the date of entry of the national stage as set forth in 37 C.F.R. §1.491 in an international application;
- (3) before the mailing date of a first office action on the merits; or
- (4) before the mailing of a first office action after the filing of a Request for Continued Examination under 37 C.F.R. §1.114, whichever event occurs last.

Accordingly, this information disclosure statement requires no fee and no certification.



37 C.F.R. § 1.97(c).

This information disclosure statement is filed after the period specified in 37 C.F.R. § 1.97(b), but before the mailing date of any of the following:

- (1) a final action under 37 C.F.R. § 1.113;
- (2) a notice of allowance under 37 C.F.R. § 1.311; or
- (3) an action that otherwise closes prosecution in the application.

Accordingly, this information disclosure statement requires either:

- (1) the fee specified in 37 C.F.R. § 1.17(p) for submission of an information disclosure statement under 37 C.F.R. § 1.97(c); or
- (2) a certification according to 37 C.F.R. § 1.97 (e)(1) or (2).



37 C.F.R. § 1.97(d).

This information disclosure statement is filed after the period specified in 37 C.F.R. § 1.97 (c).

Accordingly, this information disclosure statement requires:

- (1) a certification in accordance with 37 C.F.R. § 1.97(e); and
- (2) the fee specified in 37 C.F.R. § 1.17 (p) to consider an information disclosure statement under 37 C.F.R. § 1.97(d).

If this statement crosses in the mail with an office action, or is otherwise not in the indicated category of 37 C.F.R. § 1.97, it is respectfully requested that this statement be treated in the next appropriate category and made of record. **To the extent required, please treat this paper as a conditional petition for acceptance of the information disclosure statement.**

II

Fees Due (CHECK ONE BOX):

- ☒ No fee is due.
- ☐ The fee specified in 37 C.F.R. § 1.17(p) for submission of an information disclosure statement under 37 C.F.R. § 1.97(c) or 37 C.F.R. § 1.97(d) is enclosed (\$180).

III

Certification (CHECK ONE BOX):

- ☒ No certification is necessary.
- ☐ Pursuant to 37 C.F.R. § 1.97(e)(1), the undersigned hereby certifies:
That each item of information contained in this information disclosure statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this information disclosure statement.
- ☐ Pursuant to 37 C.F.R. § 1.97(e)(2), the undersigned hereby certifies:
No item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this information disclosure statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this information disclosure statement.

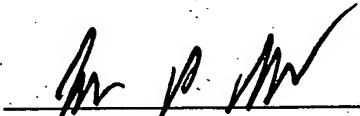
IV

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Please charge any additional required fee or credit any overpayment to our deposit account number 50-1698.

Respectfully submitted,
THELEN REID & PRIEST LLP

Dated: April 9, 2004


John P. Schaub
Reg. No. 42,125

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